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**North America  
Intellectual Property Corporation**

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

FAX: 806-498-6673

e-mail: [winstonhsu@naipo.com](mailto:winstonhsu@naipo.com)

Customer No.: 27765

**Fax To: LUU, MATTHEW**

**Art Unit: 3663**

**Tel.: (571) 272-7663**

**Fax: (571) 273-8300**

**From: Winston Hsu, Registration No. 41,526**

**Serial No.: 09/683,729**

**Attorney Docket No.: CEIP0037USA**

**Subject: Response to the Office Communication mailed on 10/11/2006**

**Total Pages: 9 pages (including cover page)**

**Winston Hsu 10/19/2006**

**CEIP0037USA\_A8\_2**

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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/683,729	
	Filing Date	02/07/2002	
	First Named Inventor	Wen-Sung Tsai	
	Art Unit	3663	
	Examiner Name	Luu, Matthew	
Total Number of Pages in This Submission	8	Attorney Docket Number	CEIP0037USA

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	North America Intellectual Property Corporation		
Signature	<i>Winston Hsu</i>		
Printed name	Winston Hsu		
Date	OCT 19 2006	Reg. No.	41,526

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Krystal Pan</i>		
Typed or printed name	Krystal Pan	Date	OCT 19 2006

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PTO/SB/17 (07-06)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# **FEE TRANSMITTAL**

## **For FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00
**Complete if Known**

Application Number	09/683,729
Filing Date	02/07/2002
First Named Inventor	Wen-Sung Tsai
Examiner Name	Luu, Matthew
Art Unit	3663
Attorney Docket No.	CEIP0037USA

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: **50-3105** Deposit Account Name: **North America International Patent Office**

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Index Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

**Fees Paid (\$)****SUBMITTED BY**

Signature	<i>Winston Hsu</i>	Registration No. (Attorney/Agent)	41,526	Telephone	3027291562
Name (Print/Type)	Winston Hsu	Date	OCT 19 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5    Applicant:    Wen-Sung Tsai                      Examiner:    Luu, Matthew  
     Filing Date:    02/07/2002                      Art Unit:       3663  
     Serial No.:    09/683,729                      Docket No.:    CEIP0037USA

10    Title:            Display Device Capable of Dynamically Compensating Effect of  
                      Environmental Light

     To:             Commissioner for Patents  
                      P.O. BOX 1450  
                      Alexandria, VA 22313-1450

15    Subject:          Amended Appeal Brief

     Please find attached an amended Appeal Brief in accordance with 37 C.F.R.  
1.192 in response to the Office action mailed 4/11/2003 and in response to the Office  
20    communications mailed 05/27/2005 and 10/11/2006 indicating the need for a  
     corrected appendix to the appeal brief (Paper No. 11). Claim 13 has now been  
     indicated as cancelled, and therefore the appeal of claim 13 is withdrawn.

**AMENDED APPEAL BRIEF**

This is an appeal in accordance with 37 C.F.R. 1.192 in response to the Office action mailed 4/11/2003 rejecting claims 6, 7, 9, 10, and 12-14 of application serial no.  
5 09/683,729.

This amended appeal brief indicates that claim 13 has now been cancelled, and therefore the appeal of claim 13 is withdrawn.

10 REAL PARTY IN INTEREST (37 C.F.R. 1.192(c)(1))

The real part of interest is the assignee: Compal Electronics, Inc., No. 581, Jui-Kuang Rd., Neihu, Taipei, Taiwan R.O.C.

15 RELATED APPEALS AND INTERFERENCES (37 C.F.R. 1.192(c)(2))

None.

STATUS OF CLAIMS (37 C.F.R. 1.92(c)(3))

20

Claims 1-5, 8, 11, and 13: Cancelled

Claims 6, 7, 9, 10, and 12-14: Rejected

25

Claims 6, 7, 9, 10, 12, and 14: Appealed

STATUS OF AMENDMENTS (37 C.F.R. 1.192(c)(4))

No amendment has been filed subsequent to final rejection.

30

SUMMARY OF THE INVENTION (37 C.F.R. 1.192(c)(5))

The invention, as claimed and as illustrated in Figs.1 and 2, provides a plurality of light sensors 20 disposed around a screen 14 of a display device 12 of a computer system 10 (paragraph 0018). The sensors 20 are connected to a controller 30. The sensors 20 measure and output detecting signals 21 corresponding to the brightness and color of ambient light around the screen 14. The controller 30 includes a color analyzer 36 that analyses the detecting signals 21 and controls a gray level adjusting device 32 to output adjusting signals 29R, 29G, 29B to light sources 34R, 34B, 34G of the display device 12 so as to adjust a color balance of an image on the screen 14 (paragraph 0022).

ISSUES (37 C.F.R. 1.192(c)(6))

Issue 1: Whether claims 6, 7, 9, 10, 12, and 14 are unpatentable under 35 U.S.C. §103(a) over Hansen (US 6,147,664) in view of Hirose et al. (US 5,032, 828).

GROUPING OF CLAIMS (37 C.F.R. 1.192(c)(7))

The appealed claims 6, 7, 9, 10, 12, and 14 can be grouped.

ARGUMENT (37 C.F.R. 1.192(c)(8))

Re: Issue 1

Appealed claim 1 recites: "a plurality of sensors for detecting different colors of ambient light and generating corresponding detecting signals". In contrast, the photodiode 16 taught by Hirose in US 5,032,828 does not and should not measure ambient light and thus cannot be reasonably combined with the teachings of Hansen in US 6,147,664 to make the claim 1 unpatentable.

Hirose's photodiode 16 is adapted to measure light emitted by a light emitting element 15 (Fig.1). It is important to note that in all Hirose's of embodiments (see

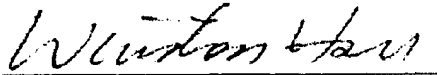
Figs.1, 5, and 6; Fig.1 is representative) that comprise a photodiode, an LCD panel is located between the photodiode and the light emitting element. As such, the photodiode 16 measures light emitted by the light emitting element 15 and passing through the LCD panel 12 (col.3 lines 18-23). In effect, the photodiode 16 and the light emitting element 15 form a closed loop calibration device for measuring the effect of the LCD panel 12 on light emissions of the CRT 11. The closed loop nature of Hirose's device is exemplified by Fig.7, which illustrates an embodiment without a photodiode or light emitting element.

Hirose does not disclose measuring ambient light. The applicant contends that since Hirose's closed loop is designed to measure the effects of the LCD 12 on light emitted by the CRT 11, preventing stray ambient light from being measured by the photodiode 16 would be desirable to prevent unknown effects on performance. That is, the effects of ambient light is neither directly addressed nor speculated on by Hirose. Furthermore, given the arrangements shown in Figs.1, 5, and 6 of Hirose, it would be apparent to one of ordinary skill in the art that the photodiode should be prevented from measuring ambient light. Thus, the applicant contends that Hirose discloses no motivation for using the photodiode 16 to measure ambient light, and further, suggests against such. One of ordinary skill in the art would not be motivated by Hirose to modify the photodiode 16 to measure ambient light.

In addition, Hansen does not suggest that another type of sensor, such as a color light sensor, could be used in place of the ambient light sensor 580 (brightness sensor, col. 14 lines 15-32). Thus, there is no motivation for one of ordinary skill in the art to incorporate Hirose's photodiode into Hansen's portable computer 550 of Fig.7.

The examiner does not indicate the motivation used to combine the teachings of Hansen and Hirose besides that provided by the applicant. Thus, these references were not considered as a whole and where combined in hindsight.

Sincerely yours,



Date: 10/19/2006

Winston Hsu, Patent Agent No. 41,526

5 P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)



## APPENDIX – LIST OF CLAIMS UNDER APPEAL

6. A display device for a computer system comprising:
- a screen for displaying a picture image for a user in front of the screen;
  - 5 a plurality of sensors for detecting different colors of ambient light and generating corresponding detecting signals; and
  - a controller for adjusting color levels of the picture image displayed on the screen according to the detecting signals.
- 10 7. The display device of claim 6 wherein each of the sensors is capable of detecting a brightness of light emitted to a sensing surface of the sensor.
9. The display device of claim 7 wherein the controller adjusts a brightness of the picture image according to the detecting signals.
- 15 10. The display device of claim 9 wherein when the brightness of light detected by the sensors is greater than a predetermined value, the controller will correspondingly increase the brightness of the picture image.
- 20 12. The display device of claim 6 wherein the controller adjusts the color levels of the picture image so as to compensate for the ambient light color levels and to generate an expected picture image.
- 25 14. The display device of claim 6 wherein the computer system is a portable computer, and the display device is a liquid crystal display installed on the portable computer.